

October 31, 2006



Marlene H. Dortch
Secretary
Federal Communications Commission
TW-A325
445 Twelfth Street, SW
Washington, DC 20554

Re: *Notice of Ex parte* presentation in MB Docket No. 05-210

Dear Ms. Dortch:

On October 31, 2006, Rudy Brioché, Media Advisor to Commissioner Adelstein, contacted Harold Feld, Senior Vice President, Media Access Project, with regard to the above captioned docket.

Mr. Brioché asked Mr. Feld to clarify why Prometheus Radio supported the streamlining proposals of William Clay and REC Networks. Mr. Feld explained that the proposal to combine the rulemaking element and the application element of a request to change market should address real concerns about streamlining and reducing expense of application process, while preserving the important opportunity for parties to challenge a proposed market change.

As Mr. Feld explained, individual low-power FM stations lack resources to determine from local announcements how a proposed change might potentially impact them. The LPFM community relies extensively on organizations like REC Networks and Prometheus Radio Project, which monitor FCC proceedings and alert individual members of the community when a proposed Commission action may have impact. If no announcements of proposed changes occur at the FCC level, then proposed changes that impact local LPFMs will go undetected by the local community until too late.

A similar problem arises if large radio group owners seek to use the proposed rule changes to end run the ownership limits. Prometheus, REC Networks and William Clay all share the goal of promoting minority ownership. But allowing stations to alter their market of record as only a minor amendment makes it impossible for media activists to monitor when such a change will serve the public interest by creating an opportunity for minority ownership and enhance diversity of voices, as opposed to when such a change merely permits a sale of a hitherto independent voice to a group owner barred by the existing rules from buying the station in its current market of designation.

For example, Clear Channel owns several Mexican stations that are received by the

San Diego market. As a consequence, it has effectively increased its dominance of the San Diego market beyond that permitted by the ownership rules. Without Commission notice, which will allow sophisticated parties in the media reform movement to alert local listeners of potential impacts, large group owners could exploit the proposed rule changes to achieve similar impacts.

By contrast, combining the rulemaking and application phase into a single process will address the genuine concerns of parties that fear that the current process is too long and too expensive to serve the legitimate needs of licensees who have good reason to change their community of license. MAP and Prometheus agree that requiring the process to proceed in two stages serves little purpose at this point. To the contrary, combining the general petition to change the table of allotments and the application to change markets will have the salutary effect of permitting parties potentially effected to assess the true potential impact of the proposed changes early in the process.

Finally, Mr. Feld reiterated that the Commission should either make its commitment to localism genuine or cease pretending. Accordingly, MAP fully supports the REC proposal to redefine the *Tuck* criteria.

In accordance with Section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206, this letter is being filed with your office. If you have any questions, please do not hesitate to contact me.

Respectfully Submitted,

Harold Feld
Senior Vice President

cc:
Rudy Brioché